

D-1-GN-19-000459
CAUSE NO. _____

NICOLE AND DAVID ZERN,
TRUSTEES OF THE SOGENT TRUST,

Plaintiffs,

v.

CITY OF AUSTIN,

Defendant.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

250TH

JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION

Plaintiffs Nicole and David Zern, individually and in their capacities as co-trustees of the Sogent Trust (collectively, "Plaintiffs"), file this Original Petition against the Defendant City of Austin (the "City") requesting: (i) the disannexation of their real property under Texas Local Government Code Section 43.141(b) for failure to provide municipal services in good faith, and (ii) a declaration of rights under City of Austin Ordinance No. 860130-A (attached hereto as Exhibit A) and City of Austin Ordinance No. 4110160-A (attached hereto as Exhibit B), pursuant to Chapter 37 of the Texas Civil Practice and Remedies Code.

I. PARTIES

1. Plaintiffs Nicole and David Zern are individuals who reside in Travis County, Texas at 1500 Manana Street, Austin, Texas 78730, the real property at issue in this lawsuit. Nicole and David Zern are co-trustees of the Sogent Trust, the owner of the 1500 Manana Street property.

2. Defendant City of Austin is a home-rule municipal corporation. Pursuant to Section 17.024(b) of the Texas Civil Practice & Remedies Code, the City may be served with process upon its mayor (Steve Adler), clerk, treasurer, or secretary at Austin City Hall, 301 West 2nd Street, Austin, Texas 78701.

II. DISCOVERY CONTROL PLAN

3. This dispute will be governed by a Discovery Control Plan under Rule 190.4 (Level 3) of the Texas Rules of Civil Procedure.

III. JURISDICTION AND VENUE

A. Subject-matter jurisdiction

4. This Court has jurisdiction over Plaintiff's disannexation lawsuit pursuant to Texas Local Government Code Section 43.141(b). Plaintiffs' petition for disannexation, signed by each qualified voter of the annexed area, complies with Texas Local Government Code Section 43.141's provisions, including the posting of notice as required by Section 43.141(f), and is attached hereto as Exhibit C. The City received notice of Plaintiffs' petition for disannexation on October 8, 2018 and more than 60 days have passed without a response from the City. *See* Tex. Local Gov't Code § 43.141(b).

5. This Court has jurisdiction over Plaintiffs' requests for declaratory relief pursuant to Texas Civil Practice and Remedies Code §§ 37.003 and 37.004 ("A person . . . affected by a . . . municipal ordinance . . . may have determined any question of construction or validity arising under the . . . ordinance . . . and obtain a declaration of rights, status, or other legal relations thereunder.").

6. Although Plaintiffs primarily seek equitable relief from the Court (i.e., disannexation and a declaration of their rights), Plaintiffs additionally seek a refund from the

City pursuant to Texas Local Government Code Section 43.148 in an amount equaling the money collected by the City in property taxes and fees from Plaintiffs during the period that the property was a part of the City, less the amount of money that the City spent for the direct benefit of the property during that same period. Plaintiffs expect this amount to be between approximately \$50,000 and \$100,000.

B. Venue

7. Venue is proper in Travis County, Texas under Texas Local Government Code Section 43.141(b).

8. Venue is also proper in Travis County, Texas because (i) the City's principal seat of municipal government is located in Travis County, and (ii) the affected private real property at issue is located in Travis County. Venue is further proper in Travis County, Texas, because all or a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in Travis County.

IV. BACKGROUND FACTS

9. Plaintiffs David and Nicole Zern are long time Austin residents. In 2015 they purchased their current home, situated on 4.3 acres on the shores of Lake Austin, at 1500 Manana Street, Austin, Texas 78730 (the "Property"). Although Plaintiffs have paid, since the purchase of their Property, a full City of Austin tax bill every year, Plaintiffs have never received full City services. Plaintiffs do not receive centralized water services (including waste water), trash and recycling services, street services (including maintenance, curb and gutter), nor do they have access to fire hydrants on their street—yet, Plaintiffs continue to pay for these services each year on their City of Austin tax bill. Further, because the City will not provide these services to

Plaintiffs' Property (and has no intention of doing so), Plaintiff must hire and pay private parties to provide these basic municipal services instead.

10. To Plaintiffs' knowledge they are the only property owners within the vicinity who are not receiving full City services but are still paying a full City of Austin tax bill. Indeed, Plaintiffs' neighbors are paying no city property taxes at all. Plaintiffs' Property should be treated similarly under two City of Austin Ordinances, No. 860130-A and No. 411016-A.

11. ***Ordinance No. 860130-A (the "1986 Ordinance")***. The majority of Plaintiffs' neighbors are paying no property taxes at all pursuant to City of Austin Ordinance No. 860130-A enacted in 1986 by the City Council. *See* Exhibit A attached. This 1986 Ordinance provides that "all land" (i.e., properties) located south of the 504.9 contour line of Lake Travis were incorrectly added to the City's tax rolls because those properties never received regular municipal services and shall not be taxed "until all City services are available for said tracts." Ex. B, Part 1. The 1986 Ordinance more particularly describes the "land" subject to its provisions by a detailed metes and bounds description, as well as an "Exhibit A" attached to the ordinance listing applicable parcel numbers. Although Plaintiffs' parcel number is not listed on "Exhibit A" to the ordinance, their Property is within the 1986 Ordinance's metes and bounds description and, like the properties listed in "Exhibit A," has never received regular municipal services. Nevertheless, the City has refused to acknowledge that Plaintiffs' Property is subject to the 1986 Ordinance and continues to tax Plaintiffs' Property as if it was receiving full municipal services.

12. ***Ordinance No. 411016-A (the "1941 Ordinance")***. Plaintiffs' Property is also governed by City of Austin Ordinance No. 411016-A, which annexed the Emma Long City Park

and Plaintiffs' Property into the City of Austin in 1941. *See* Ex. A attached. The 1941 Ordinance provides that Plaintiffs' Property:

[S]hall bear *its prorata part of the taxes* levied by the City of Austin when, as and if such property shall be subject to taxation, and the inhabitants thereof shall be entitled to all the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City of Austin.

Ex. A, Section 2 (emphasis added). Although the City does not contest that the 1941 Ordinance applies to Plaintiffs' Property, the City has refused to recognize that the 1941 Ordinance provides for Plaintiffs' tax bill to be pro-rated in accordance with the municipal services the Property actually receives.

13. ***Plaintiffs' Petition for Disannexation.*** Because the City has refused to recognize that Plaintiffs' Property either: (i) is governed by the 1986 Ordinance and therefore should not be taxed at all, or (ii) at a minimum, should only bear its pro-rata share of property taxes based on municipal services the Property actually receives, Plaintiffs filed a Petition for Disannexation on October 8, 2018 with the City pursuant to Texas Local Government Code Section 43.141. *See* Exhibit C attached. Plaintiffs' Petition requests disannexation because the City has failed to provide in good faith full municipal services, particularly centralized water and wastewater services, to their Property. It has been over 3 months since Plaintiffs submitted their request to the City for disannexation, but despite several inquiries, Plaintiffs have received no response.

V. CAUSES OF ACTION

A. Petition for Disannexation for Failure to Provide Services

14. Plaintiffs incorporate the foregoing paragraphs herein by reference.

15. On October 8, 2018, Plaintiffs filed a Petition for Disannexation with the City for its failure and refusal to provide municipal services in good faith. *See* Exhibit C attached. Because the City has failed and refused to disannex the Property within 60 days after receipt of

Plaintiffs' Petition, Plaintiff requests an order from the Court finding: (i) that a valid petition was filed with the City under Texas Local Government Code Section 43.141, (ii) that the City has failed and refused to provide municipal services to the Property in good faith pursuant to Texas Local Government Code Section 43.141(b)(2), and (iii) that Plaintiffs' Property shall be disannexed.

16. Plaintiffs further request, pursuant to Texas Local Government Code Section 43.148, a refund from the City in an amount equaling the money collected by the City in property taxes and fees from Plaintiffs, less the amount of money that the City spent for the direct benefit of the Property.

B. Declaratory Judgment

17. Plaintiffs incorporate the foregoing paragraphs herein by reference.

18. Pursuant to Chapter 37 of the Texas Civil Practice and Remedies Code, Plaintiffs ask the Court to construe City of Austin Ordinance Nos. 860130-A and 411016-A (attached hereto as Exhibits A and B, respectively), find the ordinances to be unambiguous, and declare that:

- i. City of Austin Ordinance No. 860130-A applies to all land located within its specific metes and bounds description, including Plaintiffs' Property;
and
- ii. In the alternative, that Section 2 of City of Austin Ordinance No. 411016-A provides that Plaintiffs' property taxes shall be pro-rated based on the municipal services their Property receives from the City.

19. ***Attorney's Fees.*** Plaintiffs are entitled to attorneys' fees under Chapter 37 of the Texas Civil Practice and Remedies Code.

VI. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests:

- i. That Defendant City of Austin be cited to appear and answer;
- ii. An order from the Court that Plaintiffs' Property shall be disannexed;
- iii. An award of compensation for the City's failure to provide municipal services to Plaintiffs' Property in good faith;
- iv. Alternatively, a declaration from the Court that City of Austin Ordinance No. 860130-A is applicable to Plaintiffs' Property;
- v. Alternatively, a declaration from the Court that under City of Austin Ordinance No. 411016-A Plaintiffs' property taxes shall be pro-rated based on the municipal services the Property actually receives;
- vi. Plaintiffs' attorneys' fees and costs;
- vii. Pre- and post-judgment interest at the highest allowable rates; and
- viii. Such other and further relief to which Plaintiff may be justly entitled in law or at equity.

Respectfully submitted,

WEISBART SPRINGER HAYES LLP

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Austin, Texas 78701

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ATTORNEYS FOR PLAINTIFFS

EXHIBIT A

ORDINANCE NO. 860130- A

AN ORDINANCE DECLARING THE LIMITED PURPOSE JURISDICTION STATUS OF ALL SHORELINE PROPERTIES LYING ALONG LAKE AUSTIN BELOW THE 504.9' MEAN SEA LEVEL CONTOUR LINE; DECLARING THE FULL PURPOSE JURISDICTION OF THE LANDS LYING BENEATH THE NORMAL CONSERVATION POOL ELEVATION OF LAKE AUSTIN; DECLARING AN ERROR IN THE CITY OF AUSTIN'S 1985 TAX APPRAISAL ROLL; PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

WHEREAS, by an 1891 legislative enactment, a portion of the Lake Austin shoreline properties between the normal conservation pool level of Lake Austin and the 504.9' mean sea level contour line was included within the limits of the City of Austin; and,

WHEREAS, in 1928, the City of Austin redefined the boundaries of the corporate City limits to specifically include all lands along Lake Austin and below 504.9' mean sea level; and,

WHEREAS, the City of Austin has not regularly and routinely provided comparable municipal services such as construction and maintenance of street, water, and wastewater facilities, or police and fire protection because of the difficulty in economically providing such services to the very sparsely populated suburban areas clustered along the rugged terrain on both sides of Lake Austin; and,

WHEREAS, substantial confusion regarding the status of voting rights of the residents living along the Lake Austin shoreline, below the respective north shore and south shore 504.9' mean sea level contour lines has existed because of the inability to exactly locate said contour lines without doing an on-the-ground survey; and,

WHEREAS, because of its special status within the City of Austin, Lake Austin shoreline properties below the respective 504.9' mean sea level contour lines have never been taxed by the City of Austin; and,

WHEREAS, certain services normally provided in limited purpose jurisdiction areas, including planning and zoning controls, have been long provided in this area; and,

WHEREAS, it is appropriate to clarify the status of the Lake Austin shoreline properties below the respective north

shore and south shore 504.9' contour lines, and to avoid any future confusion over the respective rights and duties of Lake Austin shoreline residents or the respective rights and duties of the City of Austin; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That all lands lying along Lake Austin, between the north shore 492.8' mean sea level contour line, said line being the normal conservation pool elevation of Lake Austin, and the north shore 504.9' mean sea level contour line, upstream of the Capital of Texas Highway bridge (Loop 360), and all lands lying along Lake Austin, between the south shore 492.8' mean sea level contour line, said line being the normal conservation pool elevation of Lake Austin, and the south shore 504.9' mean sea level contour line, upstream of Tom Miller Dam, and more particularly described by the parcel number listing attached hereto and incorporated herein by reference as Exhibit "A," shall be treated, ~~from the effective date of this ordinance,~~ according to the same tax collection policy which prevailed with regard to said tracts from the 1891 through the 1984 tax years, until all City services are available for said tracts and the City Council, by resolution, orders taxes to be collected on all or part of the value of said tracts.

PART 2. That the City of Austin declares and recognizes that all lands lying between the north shore 492.8' mean sea level contour line and the south shore 492.8' mean sea level contour line, such lines comprising the normal conservation pool level of Lake Austin, are full purpose jurisdiction lands of the City of Austin, and have been at all times since the 1891 Act of Incorporation.

PART 3. That the request to list the aforescribed property on the City's tax appraisal roll for the 1985 tax year was made in error, and the Chief Appraiser of the Travis County Appraisal District is hereby requested to move the Travis County Appraisal Review Board to correct the City's tax appraisal roll by written order and notify the Travis County Assessor of this action.

PART 4. If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portion of this Ordinance or its application to other persons or set of circumstances shall not be affected thereby, it being the intent of the City Council and the City of Austin in adopting, and of the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein

shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

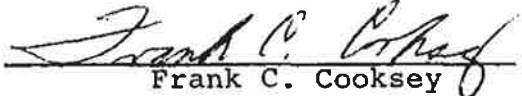
PART 5. Whereas an emergency exists concerning the safe, orderly and healthful growth and development of the City; and in order to clarify the rights, duties, and responsibilities of the various emergency service jurisdictions, including but not limited to the Travis County Sheriff's office, volunteer fire departments, and Travis County rural fire prevention districts, as well as the rights, duties, and responsibilities of the comparable City of Austin emergency service departments; and whereas such emergency requires that this Ordinance become effective immediately upon its passage in order to assure the immediate preservation of the public peace, health, safety and general welfare; therefore, the rule requiring the reading of ordinances on three separate days is hereby suspended and this Ordinance shall become effective immediately upon its passage, as provided by the Charter of the City of Austin.

PASSED AND APPROVED

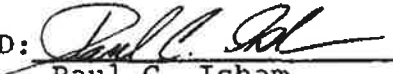
January 30

, 1986

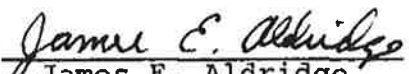
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Frank C. Cooksey
Mayor

APPROVED:


Paul C. Isham
City Attorney

ATTEST:


James E. Aldridge
City Clerk

30JAN86
DLG:mtc
1/DG

EXHIBIT "A"

Add June 02 *add - on Jackson Van Mike address 4/27/85
the 504 9' Contain to be transfer 1985

I-1711-0201 34 % ✓	I-1909-0214 ✓	I-2109-0217 100% ✓
✓ 0202 25 % ✓	0215 ✓	0218 100% ✓
0205 05 % ✓	0216 ✓	0224 100% ✓
0206 01 % ✓	0217 ✓	I-2309-0201 98% ✓
0207 8 % ✓	0218 ✓	0202 90 % ✓
0208 8 % ✓	0219 ✓	0203 90 % ✓
✓ 0209 10 % ✓	0220 ✓	0204 100% ✓
✓ 0210 8 % ✓	0221 ✓	0205 100% ✓
✓ 0211 34 % ✓	0222 ✓	0206 10 % ✓
✓ 0212 8 % ✓	0223 ✓	I 0209 62% ✓
I 0213 67 % ✓	0224 ✓	I 0210 63 % ✓
✓ 0214 35 % ✓	0225 ✓	I 0213 85 % ✓
I 0238 15 % ✓	0226 ✓	I 0215 53 % (3 2/3) ✓
I 1-1711-0239 25 % ✓	0227 ✓	0216 47 % ✓
1-1909-0303 20 % ✓	0228 ✓	0217 48 % ✓
0304 15 % ✓	0229 ✓	I 0218 48 % ✓
I 0305 5 % ✓	0230 ✓	I 0222 55 % ✓
I 0306 10 % ✓	0231 ✓	I 0224 45 % ✓
(cont'd) 0314 100% ✓	0232 ✓	I 0225 48 % ✓
0315 100% ✓	0233 ✓	0229 90 % ✓
0316 100 % ✓	0234 ✓	0301 10 % ✓
I 0101 20 %	I-2109-0201 100% ✓	I 0302 15 % ✓
0518 20 %	0206 75 % ✓	I 0303 70 % (Ch. 2/3) ✓
I-1909-0101 15 % ✓	0211 100% ✓	I 0304 70 % ✓
1-1909-0201 ✓	I 0216 90 % ✓	I-2507-0401 90% ✓
- 0202 ✓	0217 100% ✓	0402 ✓
- 0203 ✓	0218 100% ✓	0501 ✓
- 0204 ✓	0219 100% ✓	0503 ✓
- 0205 ✓	0220 100% ✓	0505 ✓
- 0206 ✓	I-2109-0302 10 % ✓	I-2509-0101 24 % ✓
- 0207 ✓	I 0304 58 %	I 0201 90 % ✓
- 0208 ✓	I 0305 12 %	I 0202 77 % ✓
- 0209 ✓	0308	I 0203 54 % ✓
- 0210 ✓	0312 100% ✓	I 0204 35 % ✓
- 0211 ✓	0314 100% ✓	I 0205 55 % ✓
- 0212 ✓	0315 100% ✓	I 0206 92 % ✓
- 0213 ✓	0316 100% ✓	I 0207 42 % ✓
		I 0301 55 % ✓
		(3 TRP) 0303 53 % ✓

Add Juris 02 for all properties within the
504 9' Contour to be taxed for 1985-

1-2509-0305 52 % ✓	1-2657-0219 50 % ✓	
I 0306 63 % ✓	(116) 0221 40 % ✓	ck annual Daps on this one II
0307 72 % ✓	0202 13 % ✓	1-2523-0101 17 % ✓
I 0309 55 % ✓	0230 0 % ✓	0102 10 % ✓
0310 55 % ✓	1-2652-0101 15 % ✓	0103 15 % ✓
1-2618-0207 3 % ✓	I	0104 15 % ✓
0108 9 % ✓	1-2709-0101 50 % ✓	0105 14 % ✓
0112 100 % ✓	0102 90 % ✓	0106 13 % ✓
1-2637-0101 5 % ✓	0103 2 % ✓	0107 12 % ✓
0102 2 % ✓	I 0104 15 % ✓	1-2725-0106 100 % ✓
I 0201 25 % ✓	I 0106 20 % ✓	0107 90 % ✓
I 0202 40 % ✓	I 0108 20 % ✓	1-2725-0201 75 % ✓
I 0205 65 % ✓	I 0110 17 % ✓	0202 90 % ✓
I 0207 20 % ✓	I 0112 15 % ✓	0203 100 % ✓
I 0208 22 % ✓	0113 12 % ✓	0204 100 % ✓
3) I 0211 32 % ✓	I 0114 12 % ✓	0205 100 % ✓
I 0213 20 % ✓	I 0116 12 % ✓	0206 100 % ✓
I 0217 42 % ✓	I 0117 12 % ✓	0207 100 % ✓
2 I 0218 30 % ✓	I 0119 10 % ✓	0208 100 % ✓
I 0250 21 % ✓	0 I 0120 12 % ✓	0209 100 % ✓
I 0226 30 % ✓	0121 15 % ✓	0210 100 % ✓
I 0206 20 % ✓	0122 48 % ✓	0211 100 % ✓
I 0219 20 % ✓	0124 20 % ✓	0212 100 % ✓
	0125 12 % ✓	0213 90 % ✓
1-2525-0102 11 % ✓	1-2723-0101 10 % ✓	I 0214 85 % ✓
0101 10 % ✓	0102 10 % ✓	I 0215 80 % ✓
1-2627-0108 5 % ✓	0103 10 % ✓	0216 80 % ✓
1-2627-0301 15 % ✓	0104 10 % ✓	0217 80 % ✓
1-2647-0209 10 % ✓	0105 98 % ✓	I 0218 75 % ✓
1-1957-0102 5 % ✓	1-2723-0301 10 % ✓	I 0219 75 % ✓
1-2657-0302 2 % ✓	0302 12 % ✓	0220 75 % ✓
0303 8 % ✓	0303 18 % ✓	1-2728-0101 100 % ✓
1-2657-0212 35 % ✓	0304 18 % ✓	I 0102 25 % ✓
I 0213 33 % ✓	0305 18 % ✓	I 0103 75 % ✓
0214 100 % ✓	0306 18 % ✓	0104 100 % ✓
I 0216 25 % ✓	0307 18 % ✓	0105 100 % ✓
0218 98 % ✓	0308 18 % ✓	0106 98 % ✓
	0309 18 % ✓	

Call Number 03 for all properties within the
504.91 Estimation to the last date for 1985

0113.90%	✓	0113.90%	✓	0121	✓
0112.90%	✓	0112.90%	✓	0120	✓
0111.90%	✓	0111.90%	✓	0119	✓
0110.90%	✓	0110.90%	✓	0118	✓
0109.98%	✓	0109.98%	✓	0117	✓
0108.85%	✓	0108.85%	✓	0116	✓
0107.80%	✓	0107.80%	✓	0115	✓
0106.95%	✓	0106.95%	✓	0114	✓
0105	✓	0105	✓	0113	✓
0104	✓	0104	✓	0110	✓
0103	✓	0103	✓	0109.80%	✓
0102	✓	0102	✓	1-2758-0108302%	✓
1-2824-0101.90%	✓	1-2824-0101.90%	✓	I	✓
0630.34%	I	0630.34%	I	0122.42%	I
0629.10%	✓	0629.10%	✓	0121.41%	I
0628.15%	✓	0628.15%	✓	0120.40%	I
0619.85%	✓	0619.85%	✓	0119.40%	I
0618	✓	0618	✓	0118.40%	I
0617	✓	0617	✓	0117	✓
0616.50%	✓	0616.50%	✓	0111.2%	✓
0615.75%	✓	0615.75%	✓	0110	✓
0614.30%	✓	0614.30%	✓	0109	✓
0613.60%	✓	0613.60%	✓	0108	✓
1-2758-0612.50%	✓	1-2758-0612.50%	✓	0107	✓
0147.55%	✓	0147.55%	✓	1-2755-0106.36%	✓
0135	✓	0135	✓	0111.15%	✓
0134	✓	0134	✓	1-2528-0110.5%	✓
0133.75%	✓	0133.75%	✓	0204.20%	✓
0132.50%	✓	0132.50%	✓	0203.34%	✓
0130.55%	I	0130.55%	I	1-2728 0202.25%	✓
0129.65%	✓	0129.65%	✓	0114.10%	✓
0128.40%	✓	0128.40%	✓	0113.100%	✓
0127.25%	✓	0127.25%	✓	0112.45%	✓
0126.48%	✓	0126.48%	✓	0111.30%	✓
0115.02%	✓	0115.02%	✓	0110.20%	✓
0112.10%	✓	0112.10%	✓	0109.22%	✓
0141.20%	✓	0141.20%	✓	0108.20%	✓
1-2758-0139	✓	1-2758-0139	✓	1-2728-0107.25%	✓
1-2758-0122.98%	✓	1-2758-0122.98%	✓	I	✓
1-2824-0116	✓	1-2824-0116	✓		
0117	✓	0117	✓		
0118.98%	✓	0118.98%	✓		
0119.90%	✓	0119.90%	✓		
0120.95%	✓	0120.95%	✓		
0121	✓	0121	✓		
0122	✓	0122	✓		
1-2824-0201.25%	I	1-2824-0201.25%	I		
0202.30%	I	0202.30%	I		
0203.90%	✓	0203.90%	✓		
0302.15%	I	0302.15%	I		
0303.12%	✓	0303.12%	✓		
0309.50%	✓	0309.50%	✓		
1-2909-0101.8%	✓	1-2909-0101.8%	✓		
0201.70%	I	0201.70%	I		
0204.55%	I	0204.55%	I		
0205.14%	I	0205.14%	I		
0206.15%	I	0206.15%	I		
0207.16%	I	0207.16%	I		
0208.18%	I	0208.18%	I		
0209.34%	✓	0209.34%	✓		
0211.95%	✓	0211.95%	✓		
0212.35%	I	0212.35%	I		
0213	✓	0213	✓		
0214	✓	0214	✓		
0215	✓	0215	✓		
0220.20%	I	0220.20%	I		
0223.80%	I	0223.80%	I		
0224	✓	0224	✓		
0225	✓	0225	✓		
0226	✓	0226	✓		
0228	✓	0228	✓		
0229.02%	✓	0229.02%	✓		
0230.27%	✓	0230.27%	✓		
0301	✓	0301	✓		
0302	✓	0302	✓		

add June 23 for all properties within the
504.9' contour to be taxed for 85

1-3023-0101 87%	1-2921-0115 ✓	1-3111-0201 ✓
0102 40%	0116 ✓	0204 ✓
0104 ✓ 87%	0117 ✓	1-3119-0101 ✓ 0114 ✓
0105 ✓ 88%	0118 ✓	0102 ✓ 0115 ✓
0106 ✓ 62%	0119 50% ✓	0103 ✓ 0116 ✓
0107 ✓ 77%	0120 22% ✓	0105 ✓ 0117 ✓
0108 ✓ 94%	0121 20% ✓	0106 ✓ 0118 ✓
0109 ✓	0122 20% ✓	0107 ✓ 0119 ✓
0110 ✓	0123 18% ✓	0108 ✓ 0120 ✓
0111 ✓	0124 15% ✓	0109 ✓ 0121 ✓
0112 ✓	0125 15% ✓	0110 ✓ 0122 ✓
I 0115 85% ✓	0126 15% ✓	0111 ✓ 0123 ✓
0116 65% ✓	1-2921-0201 30% ✓	0112 ✓ 0124 ✓
0117 50% ✓	0202 13% ✓	0113 ✓ 0125 ✓
0118 50% ✓	0203 12% ✓	1-3121-0101 ✓
0119 50% ✓	0204 11% ✓	0102 ✓
0120 50% ✓	0205 9% ✓	0103 ✓
0121 50% ✓	0206 8% ✓	0104 ✓
0122 50% ✓	0207 05% ✓	0105 ✓
0123 50% ✓	0208 4% ✓	0106 ✓
I 0208 40% ✓	0128 ✓	0107 ✓
I 0213 60% ✓	0130-0001 20% ✓	0108 ✓
0214 20% ✓		0109 ✓
1-3023-0215 8% ✓		0110 ✓
1-2921-0101 ✓	1-2928-0101 50% ✓	0111 ✓
0102 ✓	0102 65% ✓	0112 ✓
0103 ✓	0103 80% ✓	0113 ✓
0104 ✓	1-3109-0101 ✓	0116 ✓
0105 ✓	0102 ✓	0117 ✓
0106 ✓	0103 ✓	0118 ✓
0107 ✓	0104 ✓	0120 ✓
0108 ✓	0105 ✓	0119 ✓
0109 ✓	0106 ✓	1-3121-0201 25% ✓
0110 ✓	0107 ✓	0204 20% ✓
0111 ✓	0108 ✓	I 0205 30% ✓
0112 ✓	0109 ✓	0206 40% ✓
0113 ✓	0110 ✓	I 0207 35% ✓
		0208 10% ✓

EXHIBIT "A"

and June 02 for all operations with 5% of 9
504.9' contour to be raised for 1985

1-3130-0201 45 % ✓	1-3150-0214 50 % ✓	1-3311-0110 ✓
0202 50 % ✓	0215 53 % ✓	0111 ✓
0203 52 % ✓	I 0216 55 % ✓	0112 ✓
0204 53 % ✓	I 0217 53 % ✓	0113 ✓
I 0205 67 % ✓	I 0218 50 % ✓	0114 ✓
0206 78 % ✓	I 0219 45 % ✓	0115 ✓
	0220 45 % ✓	0116 ✓
0208 88 % ✓	I 0221 43 % ✓	0117 ✓
0209 89 % ✓	0222 40 % ✓	0118 ✓
0210 89 % ✓	1-3160-0101 25 %	0119 ✓
0211 78 % ✓		0121 ✓
0212 82 % ✓	1-3222-0105 12 %	0122 ✓
0213 70 % ✓	0106 10 %	0123 ✓
0214 40 % ✓	I 0107 15 %	0124 ✓
0215 45 % ✓	0114 56 % ✓	0126 ✓
I 0216 43 % ✓	I 0115 50 % ✓	0127 ✓
0217 44 % ✓	I 0116 61 % ✓	0128 ✓
I 0218 40 % ✓	I 0117 65 % ✓	0129 ✓
1-3148-0201 75 % ✓	I 0118 66 % ✓	0130 ✓
0202 80 % ✓	I 0119 90 % ✓	0131 ✓
0203 98 % ✓	I 0120 48 % ✓	0132 ✓
1-3150-0111 5 % ✓	0121 44 % ✓	0133 ✓
0112 95 % ✓	0122 32 % ✓	0134 ✓
0201 46 % ✓	I 024 18 % ✓	0135 ✓
0202 68 % ✓	I 025 15 % ✓	0136 ✓
0203 ✓	I 026 15 % ✓	0137 ✓
0204 88 % ✓	I 027 10 % ✓	0138 ✓
0205 70 % ✓	I 029 25 % ✓	0139 ✓
0206 82 % ✓	I 0131 12 % ✓	0140 ✓
0207 80 % ✓	0133 10 % ✓	I 0141 78 % ✓
0208 70 % ✓	1-3311-0101 ✓	0142 5 % ✓
0209 55 % ✓	0102 ✓	0143 14 % ✓
0210 50 % ✓	0103 91 % ✓	0144 18 % ✓
0211 50 % ✓	0104 ✓	I 0145 18 % ✓
0212 50 % ✓	0105 50 % ✓	I 0146 21 % ✓
0213 50 % ✓	0106 ✓	I 0147 42 % ✓
	0108 ✓	0148 ✓
	0109 ✓	

52119

Year	Month	Day	Time	Location	Notes
1931	1	1	10:00	1000	1000
1931	1	2	10:00	1000	1000
1931	1	3	10:00	1000	1000
1931	1	4	10:00	1000	1000
1931	1	5	10:00	1000	1000
1931	1	6	10:00	1000	1000
1931	1	7	10:00	1000	1000
1931	1	8	10:00	1000	1000
1931	1	9	10:00	1000	1000
1931	1	10	10:00	1000	1000
1931	1	11	10:00	1000	1000
1931	1	12	10:00	1000	1000
1931	1	13	10:00	1000	1000
1931	1	14	10:00	1000	1000
1931	1	15	10:00	1000	1000
1931	1	16	10:00	1000	1000
1931	1	17	10:00	1000	1000
1931	1	18	10:00	1000	1000
1931	1	19	10:00	1000	1000
1931	1	20	10:00	1000	1000
1931	1	21	10:00	1000	1000
1931	1	22	10:00	1000	1000
1931	1	23	10:00	1000	1000
1931	1	24	10:00	1000	1000
1931	1	25	10:00	1000	1000
1931	1	26	10:00	1000	1000
1931	1	27	10:00	1000	1000
1931	1	28	10:00	1000	1000
1931	1	29	10:00	1000	1000
1931	1	30	10:00	1000	1000
1931	1	31	10:00	1000	1000

EXHIBIT "A" FILE 7-40-9

Add. Juris CR for all properties within the
504.9' contour to be taxed for 85.

1-3734-024 7 % ✓	1-3755-0305 20 % ✓	1-4555-0101 10 % ✓
0202 8 % ✓	I 0306 24 % ✓	0102 15 % ✓
0203 12 % ✓	I 0307 21 % ✓	0103 14 % ✓
0204 12 % ✓	0308 25 % ✓	I 0104 14 % ✓
0205 12 % ✓	I 0310 32 % ✓	I 0105 14 % ✓
I 0301 32 % ✓	1-4155-0101 30 % ✓	I 0106 14 % ✓
I 0302 15 % ✓	0102 18 % ✓	0107 14 % ✓
I 0303 16 % ✓	0103 17 % ✓	I 0108 14 % ✓
I 0312 62 % ✓	1-4257-0103 24 % ✓	I 0109 12 % ✓
I 0313 69 % ✓	1-4257-0203 54 % ✓	I 0110 12 % ✓
0314 29 % ✓	1-4355-0501 14 % ✓	0111 80 % ✓
I 0315 36 % ✓	0502 16 % ✓	0127 20 % ✓
I 0316 38 % ✓	0503 17 % ✓	I 0152 10 % ✓
I 0317 44 % ✓	0504 22 % ✓	0153 9 % ✓
I 0318 53 % ✓	0505 24 % ✓	0154 9 % ✓
I 0319 58 % ✓	0506 31 % ✓	0155 9 % ✓
I 0320 35 % ✓	0507 33 % ✓	0156 9 % ✓
I 0601 41 % ✓	0508 35 % ✓	0157 9 % ✓
I 0602 40 % ✓	I 0509 33 % ✓	0112 36 % ✓
0603 59 % ✓	0510 31 % ✓	I 0113 30 % ✓
I 0604 75 % ✓	I 0511 56 % ✓	0114 5 % ✓
0605 100 % ✓	0512 42 % ✓	1-4753-0101 100 % ✓
I 0606 80 % ✓	I 0513 14 % ✓	0102 95 % ✓
0607 59 % ✓	0514 14 % ✓	0103 80 % ✓
I 0608 72 % ✓	0515 15 % ✓	0104 14 % ✓
I 0609 68 % ✓	I 0516 15 % ✓	0105 10 % ✓
1-3736-0101 10 % ✓	0517 14 % ✓	0106 6 % ✓
I -0102 14 % ✓	0518 16 % ✓	I 0112 45 % ✓
I -0103 22 % ✓	0519 16 % ✓	0113 22 % ✓
I -0104 17 % ✓	0520 16 % ✓	I 0114 17 % ✓
I -0105 6 % ✓	0521 16 % ✓	0115 20 % ✓
0201 33 % ✓	0522 16 % ✓	0117 22 % ✓
0202 14 % ✓	0523 16 % ✓	0118 22 % ✓
1-3755-0301 20 % ✓	0524 16 % ✓	0119 21 % ✓
0302 20 % ✓	0525 16 % ✓	
I 0303 19 % ✓	0526 16 % ✓	

EXHIBIT "A"

Page 9 of 9

Check Serial 03 for all deposit transactions 524.9
 Contain to be for year 1985.

1-5055-0131 6% ✓ I

0132 8% ✓

0133 11% ✓

0134 12% ✓

0135 8% ✓

0136 5% ✓

0137 3% ✓

1-5157-0312 10% ✓

0313 10% ✓

1) 1-4753-0401 20% ✓

0614 14% ✓

0617 14% ✓

0618 20% ✓

1-4755-0401 6% ✓

0452 7% ✓

0453 7% ✓

0454 7% ✓

0455 7% ✓

0456 7% ✓

0459 6% ✓

0410 6% ✓

0411 6% ✓

0412 6% ✓

0413 6% ✓

0414 6% ✓

0415 6% ✓

0416 6% ✓

0417 6% ✓

0418 6% ✓

0419 8% ✓

0420 8% ✓

0421 8% ✓

0422 7% ✓

0423 7% ✓

0424 7% ✓

0425 7% ✓

0426 7% ✓

0427 7% ✓

0428 7% ✓

0429 6% ✓

1-5053-0101 38% ✓

0103 10% ✓

0201 5% ✓

EXHIBIT B

411016-A

AN ORDINANCE

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF (a) 114.06 ACRES OF LAND OUT OF THE D. J. GILBERT SURVEY, THE JAMES P. DAVIS SURVEY AND THE GEO. W. SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS, BEING FURTHER IDENTIFIED AS THE AUSTIN MEMORIAL PARK PROPERTY CONVEYED TO THE CITY OF AUSTIN BY E. P. CRAVENS AND OTHERS BY DEED DATED MAY 27, 1941; (b) 148 ACRES OF LAND OUT OF THE WILKINSON SPARKS SURVEY AND THE HENRY P. HILL LEAGUE IN TRAVIS COUNTY, TEXAS, BEING SEPARATE TRACTS OF LAND OWNED BY THE CITY OF AUSTIN AND THE UNIVERSITY OF TEXAS, THE CITY PROPERTY HAVING BEEN ACQUIRED FROM EMMETT SHELTON BY TWO SEPARATE DEEDS, AND THE UNIVERSITY OF TEXAS PROPERTY HAVING BEEN CONVEYED TO THE UNIVERSITY BY GEORGE W. BRACKENRIDGE BY DEED DATED JUNE 17, 1910; AND (c) ALL THAT LAND AND PROPERTY KNOWN AS THE LAKE AUSTIN METROPOLITAN PARK SITUATED ON THE NORTH BANK OF THE COLORADO RIVER ABOUT SEVEN MILES ABOVE THE TOM MILLER DAM, ALL OF WHICH PROPERTY IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN THE BODY OF THIS ORDINANCE, AND WHICH SAID ADDITIONAL TERRITORY IN EACH INSTANCE LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN IN THE PARTICULARS STATED IN THE ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

SECTION 1. The following described lands and territory lying adjacent to and adjoining the City of Austin shall be and the same are hereby added and annexed to the City of Austin; and said territory hereinafter described shall hereafter be included within the boundary limits of the City of Austin, and the present boundary limits of said City, at the various points contiguous to the areas hereinafter described, are altered and amended so as to include said areas within the corporate limits of the City of Austin, to-wit:

Ans 5-1937

TRACT NO. 1:

One Hundred fourteen and Six Hundredths (114.06) acres of land, the same being a portion of the D. J. Gilbert Survey, the James P. Davis Survey and the George W. Spear League within Travis County, Texas, and being further identified as the Austin Memorial Park Property conveyed to the City of Austin by E. P. Cravens, et al, by deed dated May 27, 1941, of record in Volume 675, at pages 133 to 137, of the Deed Records of Travis County, Texas, and which 114.06 acres is more particularly described by metes and bounds as follows:

BEGINNING at an iron stake set in a segment of the north corporate limits of the City of Austin, which corporate limits herein referred to was established by six annexation ordinances passed by the City Council of the City of Austin, August 5, 1937, and which iron stake also marks the intersection of the north line of Hancock Drive and the east right-of-way line of the International-Great Northern Railroad, same being also the southwest corner of the said Austin Memorial Park tract of land;

THENCE following the east right-of-way line of said International-Great Northern Railroad N. 2° 17' E. 1022.62 feet to an iron stake at the point of curvature of a curve whose radius is 2814.93 feet;

THENCE following said curving line to the right an arc distance of 912.65 feet, the long chord of which arc bears N. 11° 35' E. 908.65 feet to an iron stake at the intersection of the east right-of-way line of said International-Great Northern Railroad and the south line of Northland Drive, same being also the northwest corner of the said Austin Memorial Park tract of land;

THENCE following the south line of Northland Drive in an easterly direction with the following five (5) courses:

S. 57° 05' E. 391.97 feet to an iron stake;

S. 58° 58' E. 494.21 feet to an iron stake;

S. 62° 23' E. 346.09 feet to an iron stake;

S. 77° 25' E. 164.26 feet to an iron stake; and

S. 79° 01' E. 455.44 feet to an iron stake in the west

line of Shoalmont resubdivision, a map or plat of said subdivision appearing of record in Book 4, at page 9, of the Plat Records of Travis County, Texas, and from which iron stake a concrete monument at the northwest corner of Lot 3, Block 15 of said subdivision bears N. 20° 55' W. 29.44 feet;

THENCE down the center of Shoal Creek, same being the westerly or southwesterly line of said Shoalmont resubdivision with the following ten (10) courses:

S. 20° 55' E. 281.78 feet to an iron stake;

S. 26° 43' E. 177.78 feet to a point;

S. 37° 11' E. 83.33 feet to a point;

S. 48° 12' E. 105.36 feet to a point;
S. 59° 19' E. 198.14 feet to a point;
S. 48° 59' E. 250.0 feet to a point;
S. 38° 05' E. 500.0 feet to a point;
S. 8° 12' E. 149.67 feet to a point;
S. 37° 05' W. 247.22 feet to a point;
S. 18° 53' W. 195.60 feet to a point;

THENCE N. 59° 54' W. 258.40 feet to an iron stake set in a rock mound;

THENCE S. 29° 08' W. at 699.6 feet pass a concrete monument on present corporate limits of the City of Austin in all a distance of 859.44 feet to a concrete monument on a segment of the north corporate limits of the City of Austin and from which concrete monument an 8" elm tree marked X bears N. 17° 20' E. 14.5 feet and another 6" elm tree marked X bears S. 66° 31' W. 7.0 feet;

THENCE along the north line of Hancock Drive, same being a segment of the present north corporate limits of the City of Austin, N. 59° 19' W. 2365.30 feet to the place of beginning.

TRACT NO. 2:

One hundred and forty-eight (148) acres of land, part of said land being located within the Wilkinson Sparks Survey, and part being located within the Henry P. Hill League, all of which is in Travis County, Texas, and which 148 acres includes separate tracts of land owned by the City of Austin and the University of Texas, that portion of the City of Austin property included herein having been acquired from Emmett Shelton by two separate deeds of conveyance, one deed being of record in Volume 585, pages 612 to 613, and the other being of record in Volume 587, pages 305 to 307, of the Deed Records of Travis County, Texas, and that portion of the University of Texas property included herein having been conveyed to said University of Texas by George W. Brackenridge by deed dated June 17, 1910, of record in Volume 244, pages 77 to 78 of the Deed Records of Travis County, Texas, and which 148 acres is more particularly described by metes and bounds as follows:

BEGINNING at a point on a contour whose elevation is 504.9 feet above mean sea level when based upon the U.S.G.S. Bench Mark system, which point of beginning is on the left wall of the spillway (when looking upstream) of the Tom Miller Dam across the Colorado River near the northwest corner of the Henry P. Hill League in Travis County, Texas, and from which point of beginning a concrete monument on top of the west bluff of the Colorado River and in the east line of the Wilkinson Sparks Survey, and opposite the west end of said Tom Miller Dam, bears N. 82° 51' W. 82.04 feet;

THENCE up the Colorado River and Little Bee Creek along the left bank of each when looking upstream, following said contour having an elevation of 504.9 feet above mean sea level to a point where said contour crosses the center of Little Bee Creek;

THENCE down Little Bee Creek and following the left bank of same when looking downstream to a point where said contour intersects the boundary of a tract of land containing 43.596 acres conveyed to the City of Austin by Emmett Shelton by deed dated May 4, 1938, recorded in Volume 587, pages 305 to 307, of the Deed Records of Travis County, Texas, which point of intersection is in the nineteenth course called for in the description of said 43.596 acres as recited in said deed, and from which point of intersection the beginning of said nineteenth course bears N. 43° 11' W. 22.70 feet and also from which intersection point a Shinoak tree 12 inches in diameter bears S. 84° W. 21.2 feet; and also from which point of intersection another Shinoak tree, 15 inches in diameter, marked X bears N. 64° W. 40 feet;

THENCE up Little Bee Creek and following the toe of the bluff on the right-hand side of same when looking upstream and the line of said 43.596 acre tract with the following eight (8) courses:

S. 43° 11' E. 245.28 feet;
S. 6° 44' E. 116.73 feet;
S. 30° 25' W. 101.31 feet;
S. 63° 06' W. 118.78 feet;
N. 61° 22' W. 382.72 feet;
N. 67° 29' W. 427.19 feet;
S. 71° 51' W. 118.74 feet; and
S. 9° 55' W. 296.27 feet to a point in the toe of said

bluff of Little Bee Creek;

THENCE running diagonal across the creek and in an upstream direction S. 64° 08' W. 247.89 feet to an X mark cut in solid rock in the center of Little Bee Creek, which X mark is on the north line of a tract of land described as containing 110 acres conveyed to the City of Austin by Emmett Shelton by deed dated September 18, 1937, as recorded in Volume 574, at page 264, of the Deed Records of Travis County, Texas, and which X mark in solid rock is the northeast corner of a tract of land containing 17.05 acres conveyed to Emmett Shelton by the City of Austin by deed dated May 6, 1938, of record in Volume 586, page 483, of the Deed Records of Travis County, Texas;

THENCE continuing up the center of Little Bee Creek with the following nine (9) courses:

S. 65° 54' W. 233.7 feet to a cross mark cut in solid rock;
S. 37° 36' W. 292.25 feet to a cross mark cut in solid rock;
S. 76° 56' W. 70.82 feet to a cross mark cut in solid rock;
S. 38° 09' W. 193.7 feet to a cross mark cut in solid rock;
S. 75° 17' W. 173.30 feet to a cross mark cut in solid rock;